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Chairman: Mr. Kmoníček ..... (Czech Republic)
later: Mr. Bouheddou (Vice-Chairman) ..... (Algeria)
later: Mr. Kmoníček ..... (Czech Republic)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kuznetsov

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The meeting was called to order at 10.05 a.m.

Agenda item 134: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*) (A/58/762, A/58/778, A/58/796 and A/58/799)

1. **Ms. McDonald** (Director of the Facilities and Commercial Services Division, Office of Central Support Services), introducing the report of the Secretary-General, entitled "Analysis of establishing a global procurement hub for all peacekeeping missions in Brindisi, Italy" (A/58/762), said that, with the exception of the development and testing of information systems, which could be conducted without real time interactions, the comprehensive review had concluded that the disadvantages of the creation of the procurement hub in Brindisi outweighed the advantages. She noted in particular the need for the Logistics Support Division and the Procurement Division of the Department of Management to coordinate their activities closely with other services at Headquarters and to respond, often at short notice, to requests from the Security Council, the General Assembly, external auditors, United Nations agencies and Member States. Relocation of those two Divisions would pose particular administrative challenges and require additional layers of management and duplication of liaison and support functions. It would also weaken the capacity of the Procurement Division to manage and direct overall procurement strategies and oversight. The modern trend in procurement was towards centralization in order to achieve volume discounts and establishment of a hub in Brindisi would weaken the Procurement Division's role as a lead agency for procurement for other agencies, thus negatively affecting the common services initiative.

2. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/58/796), said that during the Advisory Committee's consideration of the report of the Secretary-General (A/58/762), it had become apparent that the current submission constituted only a first attempt. The Advisory Committee was of the view that a more thorough review should be submitted and had discussed with the Secretariat guidelines indicating the areas that should be developed in a subsequent report. It therefore proposed that further action on the matter be deferred pending preparation of a new, comprehensive report, to be submitted to the General Assembly at its fifty-ninth session.

3. **Ms. Pollard** (Director of the Peacekeeping Financing Division), introducing the report of the Secretary-General on the updated financial position of closed peacekeeping missions as at 30 June 2003 (A/58/778), said that the net cash available for credit to Member States as at 30 June 2003 amounted to $178.7 million, including the amount of $84.4 million which would not be credited to Member States until 30 June 2004, in accordance with General Assembly resolution 58/288. The net cash balance available for credit to Member States was therefore $94.2 million for the 12 closed missions with cash balances.

4. The loans totalling $152 million that had been made between 30 June 2003 and 31 March 2004 to sustain operations had been fully repaid and did not negatively impact the cash balances. As at 31 March 2004, the operating deficit of the six closed peacekeeping missions with cash deficits as at 30 June 2003 was $100.5 million.

5. The cash available in the Peacekeeping Reserve Fund was $163.3 million as at 5 May 2004. Taking into account the outstanding loan of $12.8 million to the United Nations Mission in the Central African Republic (MINURCA) and the recent loan of $3.5 million to the United Nations Operation in Côte d'Ivoire (UNOCI), a cash balance remained of approximately $147 million. The new operations would be financed from the Peacekeeping Reserve Fund until new assessments were collected. Given the time lag of about 60 to 120 days between the issuance of assessments and the collection of contributions, the Secretary-General proposed that, following the return of $84.4 million to Member States by 30 June 2004, the remaining cash available, totalling $94.2 million, should be retained until 31 October 2004 to supplement the Peacekeeping Reserve Fund in order to finance the initial requirements of new peacekeeping operations.

6. **Mr. Kuznetsov** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/58/799), said the report contained updated financial information on unpaid assessments, accounts payable to Member States, other liabilities relating to closed peacekeeping missions as at 30 June 2003 and the projected requirements of UNOCI, the United Nations Operation in Burundi

(ONUB) and the United Nations Stabilization Mission in Haiti (MINUSTAH) up to 31 October 2004.

7. While the postponement of the return of available cash to Member States was a political decision to be taken by the General Assembly, the Assembly might wish to take continued account of paragraph 12 of the Advisory Committee's report on implementation of paragraph 3 of General Assembly resolution 57/323 (A/58/732), in which the Advisory Committee pointed out that cash from closed missions appeared to be the only source that could be used for temporary cross-borrowing when the International Tribunals or active peacekeeping operations ran out of cash. Cash from closed missions was also a source of funding for new missions, in addition to the Peacekeeping Reserve Fund. Borrowing from active missions was not permitted under General Assembly resolutions and the use of the Peacekeeping Reserve Fund was restricted to the purposes set out in General Assembly resolution 49/233 A of 23 December 1994.

8. **Ms. Stanley** (Ireland), speaking on behalf of the European Union, the associated countries (Bulgaria, Romania and Turkey), the stabilization and association process countries (Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia), and, in addition, Liechtenstein and Norway, welcomed the proposal of the Secretary-General to credit $84 million to Member States by 30 June 2004 in accordance with General Assembly resolution 58/288.

9. The European Union noted the Secretary-General's suggestion that the remaining cash available be retained until 31 October 2004 to supplement the Peacekeeping Reserve Fund in order to finance the initial requirements of new peacekeeping operations and wished to reiterate that allowing the Secretariat to retain Member States' money from closed missions was simply another form of subsidy and therefore unacceptable. The Union nevertheless recognized the critical importance of ensuring adequate initial funding for new peacekeeping operations and accepted the retention of $94 million until no later than 31 October 2004, at which time that amount must be returned to Member States.

10. **Mr. Wang** Xinxia (China) said that any cash balance which remained following the liquidation of closed missions should be returned to Member States. In the light of the situation facing United Nations peacekeeping operations, however, and in the interest of ensuring timely and effective deployment and implementation of peacekeeping operations, his delegation would consider the Secretary-General's proposal to retain the cash balance of $94.2 million until 31 October 2004 in order to finance the initial requirements of the new peacekeeping operations. That position, however, was without prejudice to the understanding that the cash balance should be returned to Member States as soon as assessments were received, unless the Member States authorized otherwise.

11. **Mr. Mazumdar** (India) said that his delegation supported the Secretary-General's proposal to retain the $94.2 million available for credit to Member States in order to meet the start-up requirements for new peacekeeping missions. It was concerned, however, at the lack of adequate follow-up to General Assembly resolution 57/323 concerning the issue of outstanding dues owed to Member States from closed peacekeeping missions that were in net cash deficit and looked forward to addressing the issue during future meetings of the Committee.

Agenda item 127: Human resources management

Agenda item 134: Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations (*continued*)

Special measures for protection from sexual exploitation and sexual abuse (A/58/777)

12. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management), introducing the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (A/58/777), said that the report represented only a first step in ensuring compliance throughout the United Nations system with the principles and standards enunciated in the Secretary-General's Bulletin of 9 October 2003 (ST/SGB/2003/13). Improvements still needed to be made in the design of data-collection protocols and the development of a common nomenclature based on explicit and well-understood standards. Various field operations, for example, had significantly different terminology and data categories which would need to be aligned before the next data-collection exercise.

13. The report included data on the reported occurrence of cases of sexual exploitation and sexual abuse within the United Nations system, on efforts under way to prevent such acts and on the progress made in the development of guidelines and tools to establish a reporting process that was sensitive to the needs of victims and help to promote a culture in which sexual exploitation and abuse were not tolerated. Practical guidelines for monitoring sexual exploitation and sexual abuse at the field level had been developed, training programmes were available and model reporting procedures and investigative protocols were in the final stages of development.

14. Turning to the reports of sexual exploitation by civilian, police and military contingents in Kosovo and in the Dunia region of the Congo, in the case of Kosovo, the report prepared by Amnesty International had been discussed by the Department of Peacekeeping Operations and the United Nations Interim Administration Mission in Kosovo (UNMIK) and recommendations on preventive and other actions contained in the report from Amnesty International would be further reviewed at a meeting that would be held the following day between Amnesty International and the Department. With regard to the Congo, preliminary internal investigations in early 2004 had revealed widespread abuses and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) would therefore be undertaking a formal investigation supported by the Office of Internal Oversight Services (OIOS). In early May the Mission had put in place an action plan, including specific measures for deterrence and the establishment of an emergency multisectoral task force charged with ensuring full compliance with the Secretary-General's Bulletin.

15. The Secretary-General's Bulletin of October 2003 was addressed to all United Nations staff, while forces conducting operations under United Nations command and control were prohibited from committing acts of sexual abuse and exploitation under international law. Stronger measures were needed, however, to ensure that those forces did in fact comply with their obligations and were held accountable for their actions by their countries of origin. Member States could support the Secretariat's efforts by incorporating the core principles enshrined in the Secretary-General's Bulletin on sexual exploitation and sexual abuse into the standards and codes of conduct for national armed forces and police forces. Member States should also ensure that military personnel and civilian police serving with United Nations operations were held accountable for any acts of sexual exploitation and abuse.

16. **Ms. Stanley** (Ireland), speaking on behalf of the European Union, the associated countries (Bulgaria, Romania and Turkey), the stabilization and association process countries (Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro and the former Yugoslav Republic of Macedonia), and, in addition, Iceland, Liechtenstein and Norway, said that sexual exploitation, including all forms of trafficking and related offences, particularly of vulnerable persons dependent on international aid, was completely unacceptable.

17. The European Union welcomed the progress made towards the establishment of a reporting process that was sensitive to the needs of victims and towards the promotion of a culture in which sexual exploitation and abuse were not tolerated. Transparent monitoring and accountability structures needed to be established for both civilian and military personnel in field operations, with appropriate back-up at Headquarters and the Organization should work more closely with Member States to achieve greater transparency and accountability.

18. The concrete measures described in the report to ensure protection from sexual exploitation and abuse were important steps. All categories of personnel serving under the United Nations flag should be made fully aware of the standards of conduct expected of them, including through appropriate training. The European Union welcomed the proposals of the working group established by the Executive Committee on Humanitarian Affairs, in particular the appointment of a senior-level female staff member to serve as a sexual exploitation and abuse focal point in field operations. It was also important that investigation teams in such cases be gender balanced.

19. Given the importance of incorporating the core principles of the Secretary-General's Bulletin into codes of conduct throughout the United Nations system, the European Union fully supported the guidelines completed by the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises and welcomed its ongoing commitment to address the

issue. Compliance procedures and victim support mechanisms, however, were not yet adequate. Those guilty of sexual exploitation must be held accountable and not be eligible for future duties with the Organization. Appropriate complaints procedures and investigative protocols must be developed under the guidance of the Task Force. Those responsible for the sexual exploitation and trafficking of women and girls in post-conflict situations should not go free and civilian and military personnel should not be able to commit human rights violations with impunity.

20. **Mr. Kramer** (Canada), speaking also on behalf of Australia and New Zealand, underscored the importance of full implementation of General Assembly resolution 57/306 and of the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). Those issues required continuing vigilance and action on a broad agenda, including measures to reduce the vulnerability of communities to exploitation, managerial arrangements to ensure appropriate standards of conduct and the definition of clear lines of responsibility and accountability.

21. While welcoming the measures being developed through the Executive Committee on Humanitarian Affairs and the vesting of specific responsibilities in resident and humanitarian coordinators, he was concerned that inadequate complaint procedures and victim support mechanisms could lead to underreporting of incidents. Information should be provided on how that gap would be closed and on the measures being taken to reinforce those issues with peacekeepers. He also noted with satisfaction the discussion in the Special Committee on Peacekeeping Operations of the need to improve monitoring and notification of conduct in field operations.

22. With regard to the 52 cases of exploitation that had been reported during 2003, he inquired what action had been taken in those cases where serious misconduct had been confirmed. In the 8 confirmed cases involving military personnel, he wondered how accountability had been discharged, bearing in mind the shared responsibility of troop-contributing countries. As for the 12 cases involving the Office of the United Nations High Commissioner for Refugees (UNHCR), which had been closed because the alleged perpetrators were not staff members, he asked whether such people were therefore immune from accountability. Information would be welcome on the recourse sought by UNHCR in such cases and he recognized the attention being devoted to their follow-up by the Office of the Inspector-General of UNHCR.

23. **Ms. Lock** (South Africa) recalled her delegation's strong condemnation of any form of sexual exploitation or abuse by United Nations personnel in refugee camps or peacekeeping mission areas and expressed regret that such incidents continued to occur. Even one incident was one too many and could not be tolerated. Her delegation was therefore encouraged by the concrete steps taken to prevent sexual exploitation and abuse and to ensure greater awareness among all categories of United Nations personnel of the expected standards of conduct. It welcomed the Secretary-General's Bulletin and the action taken by various United Nations entities to adapt their codes of conduct accordingly. She also stressed the importance of the development of guidelines to facilitate implementation of the Bulletin, the development of training programmes and the finalization of model complaint procedures and investigative protocols, measures which should help prevent the recurrence of any such incidents and ensure that those responsible were held accountable.

24. She recalled that in 2003 OIOS had found that conditions in the refugee camps and communities made refugees vulnerable to sexual and other forms of exploitation (A/57/465) and noted that the report did not elaborate on the measures that had been taken to improve the conditions of refugees and vulnerable communities with a view to reducing the risk of exploitation. Those measures should be reported in greater detail by the appropriate intergovernmental bodies. She also noted that many of the measures set out in General Assembly resolution 57/306, entitled "Investigation into sexual exploitation of refugees by aid workers in West Africa", continued to require attention and should be reviewed in depth in the appropriate forums.

25. **Mr. Eljy** (Syrian Arab Republic) welcomed the progress made in the area of monitoring, but called for an integrated approach to the issue, including the dissemination of information regarding the Organization's zero tolerance of sexual exploitation and abuse of local populations. A clearly defined complaints procedure was also essential. Both OIOS and the working group set up by the Executive Committee on Humanitarian Affairs were encouraged

to pursue their efforts towards full implementation of the Secretary-General's Bulletin.

26. **Mr. Mazumdar** (India) said that, in view of the reports of sexual exploitation and abuse in a wide range of United Nations operations, the Organization as a whole must take measures to ensure that such incidents were properly dealt with. While his delegation supported the Secretary-General's request contained in paragraph 15 of his report (A/58/777), it did not necessarily endorse all of the report's contents, some of which would have to be discussed in forums other than the Fifth Committee.

27. **Ms. Udo** (Nigeria) said that the decision to consider the Secretary-General's report under two agenda items clearly illustrated the importance of the issue and its relevance for the Organization as a whole. Although only six United Nations entities had reported cases of sexual exploitation or sexual abuse, many other incidents might have occurred that had gone unreported. The actions of those who abused the most vulnerable members of society, particularly women and children, were deplorable and emphasis must be placed on providing an appropriate response to the situation. She welcomed the steps taken by the Secretary-General to sensitize all United Nations personnel to the seriousness of sexual exploitation and sexual abuse and the need to eradicate those practices and commended the Secretariat on the action it had taken in response to the requests of the General Assembly. Prevention was always better than cure, however, and additional measures must be taken to implement the relevant recommendations of OIOS.

28. **Ms. Goicochea** (Cuba) said that the report of the Secretary-General should also be discussed by other relevant bodies. The continued occurrence of sexual exploitation and abuse called into question the credibility of United Nations operations and undermined their aims. In cooperation with concerned Member States, the Organization must therefore ensure that those responsible for such abuses were properly dealt with. While she welcomed the measures taken by the Secretary-General, much still remained to be done.

29. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) welcomed Member States' support for the Secretary-General's efforts and stressed that all departments of the Secretariat were actively working to implement the provisions of his Bulletin. It was apparent that the measures currently in place to address the issue of sexual exploitation and sexual abuse were only catching a small proportion of cases. Victims needed to be made aware of the correct channels for lodging complaints and must feel confident that their complaints would not lead to reprisals. To that end, a number of new measures had recently been introduced, including the distribution to local communities of an information sheet detailing their rights, the publication of a standard referral form for complaints and the preparation of a series of scenarios, to be used for training purposes, that provided precise definitions of misconduct. The Office of Human Resources Management was currently finalizing model complaints procedures and investigative protocols for cases of sexual exploitation and abuse. Proper investigation was crucial if perpetrators were to be brought to justice.

30. Action was also being taken to reinforce the provisions of the Secretary-General's Bulletin among peacekeepers, which was an ongoing task owing to the high personnel turnover rate. Measures already implemented included the dissemination in local languages of the standards of conduct for contingents and the repatriation of any contingents found to be in breach of the code. For their part, Member States should ensure that military personnel serving with United Nations peacekeeping missions were held accountable for any acts of sexual exploitation and abuse.

31. In response to the question raised by the representative of Canada regarding the specific outcomes of investigations, she said that the individuals in question from UNHCR had been dismissed. Although 12 cases involving UNHCR had been closed because the alleged perpetrator was not a staff member, those individuals had not necessarily escaped sanction. Incidents involving members of non-governmental organizations were referred to the relevant organization, and if the alleged perpetrator was a member of the local civilian population the local law enforcement authorities were also notified. The next report on special measures for protection from sexual exploitation and sexual abuse should contain a more detailed analysis of reported cases that did not involve United Nations staff members.

32. **Ms. Goicochea** (Cuba) said that the next report should provide more explicit information regarding action taken against perpetrators of sexual exploitation and abuse. With regard to cases over which the United

Nations did not have jurisdiction, she inquired whether the Secretariat planned to incorporate a clause concerning sexual exploitation and abuse into cooperation agreements with non-governmental organizations and agreements concluded with Member States governing their participation in United Nations field operations.

33. **Mr. Mazumdar** (India) said that he would like information about the measures that could be taken by the United Nations to ensure that members of non-governmental organizations who committed acts of sexual exploitation or abuse were prosecuted.

34. **Mr. Kramer** (Canada) requested more specific information on the action taken by the Secretariat in respect of the eight cases of serious misconduct involving military personnel.

35. *Mr. Bouheddou (Algeria), Vice-Chairman, took the Chair.*

36. **Ms. McCreery** (Assistant Secretary-General for Human Resources Management) said that the purpose of section 6 of the Secretary-General's Bulletin was to ensure that all entities and individuals entering into cooperation arrangements with the United Nations complied with the standards of conduct set out in section 3 of the Bulletin. In addition, a number of donor countries had opted to incorporate the standards into their funding agreements with non-governmental organizations. The Bulletin did not address what specific action should be taken against individual perpetrators of acts of sexual exploitation and abuse.

37. Referring to the remarks made by the representative of Cuba, she said that efforts would be made to include more detailed information in the next report. The standards of conduct set out in the Bulletin were not currently incorporated into agreements concluded with Member States on peacekeeping contingents, but the Secretariat intended to work towards that objective.

38. **Ms. Lock** (South Africa) said that, while her delegation supported efforts to strengthen dialogue and cooperation between national governments, details of specific actions taken by Member States against individual perpetrators should not be included in reports of the Secretary-General. The Fifth Committee must approach the question at issue from an administrative standpoint and refrain from attempts to micromanage. Detailed discussions of the substantive aspects of the issue should take place in other forums.

39. **Mr. Mazumdar** (India) said that, while he condemned all incidents of sexual exploitation and abuse, regardless of the perpetrators, he regretted the fact that some delegations were attempting to politicize a primarily humanitarian issue by focusing on events that had occurred during peacekeeping missions.

40. **Ms. Buchanan** (New Zealand), speaking in her capacity as Coordinator of the agenda item and supported by **Mr. Herrera** (Mexico), proposed that the Secretariat should prepare a draft decision taking note of the Secretary-General's report. Relevant comments made by Member States during the debate should also be included.

41. **The Chairman** said that he would request the Secretariat to prepare a draft decision on the Secretary-General's report.

42. *It was so decided.*

43. *Mr. Kmoníček (Czech Republic) resumed the Chair.*

Agenda item 121: Programme budget for the biennium 2004-2005 (*continued*)

Possibility of operating guided tours, bookstores and gift shops at the United Nations Office at Nairobi and the cost implications thereof (A/58/727)

44. **The Chairman** drew the Committee's attention to a note by the Secretariat on the possibility of operating guided tours, bookstores and gift shops at the United Nations Office at Nairobi and the cost implications thereof, contained in document A/58/727. He took it that the Committee wished to take note of the information contained in that document.

45. *It was so decided.*

The meeting rose at 11.25 a.m.